

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EZRA COHEN,

Case No.: 07-CIV-5834

Plaintiff,

-against-

ELIAS HOROWITZ a/k/a AL HOROWITZ a/k/a  
ALISHA E. HOROWITZ a/k/a ALIAS HOROWITZ  
a/k/a ELISHA HOROWITZ and SARAH WERZBERGER  
a/k/a CHAYA SARAH WERZBERGER,

Defendants.

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AFFIDAVIT

**ELIAS HOROWITZ**, an individual whose religious belief precludes swearing, hereby affirms subject to the penalties of perjury that:

1. I am a Defendant in the above captioned proceeding.
2. I submit this Affidavit to clarify the certification I previously made to this Court regarding compliance with Plaintiff's discovery requests.
3. As previously stated, I have turned over all documents in my possession or control which are responsive to Plaintiff's requests including, without limitation, responses to document production requests numbered 3, 9, 12, 13 and 21.
4. On February 18, 2008, I appeared for a deposition. At that time, I testified that I had previously accessed banking account information online.
5. The statement I made on February 18, 2008 was true. I had, on occasion, accessed the accounts of Alice Services Inc. online for balance information and newly posted credits. I never attempted to access the account for any other information, did not print out any information from the on-line system, and do not know what, if any capability the on line system provides for accessing copies of checks, deposit tickets or historical information..

6. However, I no longer have access to any online information regarding the Alice Services account. Alice Services Inc., has blocked me from all access to account information, including on-line access. I have no power to override or circumvent Alice Service's actions since, as previously stated, I am not an Officer or Director of Alice Services Inc.

7. Attached as Exhibit "A" to this Affidavit is a copy of a letter from Dr. Rosenberg, which I previously supplied to Plaintiff's counsel in response to Plaintiff's discovery requests. In the letter Dr. Rosenberg states that he would not consent to a release of banking records of Alice Services, Inc.

8. Prior to preparing this Affidavit, I made an attempt to access the Alice Services account online. My access was denied. Attached as Exhibit "B" to this Affidavit, is a copy of the computer screen showing the denial of access.

9. Accordingly, I have produced and turned over all responsive documents in my possession and control.



Elias Horowitz

Affirmed to before me this  
13 day of June, 2008 as true  
subject to the penalties of perjury



Notary Public

**EXHIBIT “A”**


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## Online Banking with Direct Net

### Errors

Your login was incorrect. Please try again and use a new SecurID number on the next attempt.

### Login

User-ID  
Password  
SecurID No. **RSA**


All fields are mandatory.

### What's new in Direct Net?

20.05.2008	NetBanking Credit Suisse Edition (replaces Offline Payments): Start downloading your new offline payments software now
13.05.2008	New functions in Direct Net: Now it's even easier to make payments (PDF).
22.04.2008	Main Topics to Improve Your Security in Online Banking
16.04.2008	Benefit with the SEPA standards from lower prices for euro payments

### New: online calculators

Gain a quick overview with the animated demo.

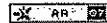
### Online Banking Security

Main Topics  
10-Point Checklist  
Recommended Browsers

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Application form  
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**EXHIBIT “B”**

Berysz ROSENBERG, L.L.M. (HONOURS), PH.D.

Attorney-at-Law

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**BY FAX**

To:

*Al Horowitz*

*Monroe, N.Y.,*

*USA*

Zurich (Switzerland) May 7th, 2008

Dear Al

I am here to confirm in writing the essence of our various conversations regarding to your request to authorize Credit Suisse to release all bank records of transactions related to various policyholders in the accounts of Bituswiss, SA and Alice Service Inc.

As a Swiss Attorney and Member of the local Bar and as an Officer of Bituswiss SA, I cannot agree to such a release.

Firstly, this would be in violation of Swiss Law which specifically prohibits any disclosure concerning Insurance as well as Banking business. Breach of confidentiality in such an issue is considered a criminal offence.

In addition to the law, I should also remind you that in the Agency Agreement ("Agentur Vertrag") with La Suisse (article 3), which I signed on behalf of the firm (copy forwarded to you by email), it specifically states that such confidentiality must be observed even after the life of the agreement.

If there is anything else you need, please feel free to ask.

Sincerely,

Berysz Rosenberg